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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,724	10/09/2001	Akihiko Toyoshima	50P4257.04	7817
36738	7590	05/05/2005	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			VU, THAI	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/974,724	<b>Applicant(s)</b> TOYOSHIMA, AKIHIKO	
	<b>Examiner</b> Thai N. Vu	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/15/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In the office action mailed January 07, 2005, claim 30 was rejected twice (see pages 9 and 10). The rejection of claim 30 on page 9 was an error and is withdrawn.
2. In response to applicant's argument that Lewis (U.S. Patent 5,294,792) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Cook and Lewis (U.S. Patent 5,294,792), discuss portable devices having memories and capable of acquiring and converting information into data, and wirelessly transferring the data to a remote location. Lewis's invention cures the disadvantage of running out of data storage that Cook's device or any other portable wireless device may suffer while acquiring data. The combination of Cook and Lewis is therefore proper.

### ***Response to Amendment***

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin et al. (U.S. Patent #: 6,694,430; hereinafter "Zegelin") in view of Lee et al. (U.S. Patent #: 6,728,531; hereinafter "Lee").

Regarding claim 1, Zegelin teaches an apparatus for managing data for a wireless device (FIG. 2), comprising:

a first memory for storing received data of a wireless device (FIG. 2, block 62; column 6, lines 1-22);

a second memory for storing a network operational file (FIG. 2, wireless module block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer chip block 70, column 6, lines 33-40).

It should be noticed that, Zegelin fails to clearly teaches the features of operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination wherein the instruction means sends the received data via a wireless path to an email address associated with the selected destination. However, Lee teaches such limitations in column 6, lines 12-13; column 7, lines 38-43; abstract; column 11, lines 48-53; column 12, lines 39-49; and FIG. 1 (the device can be configured to select to transmit data to one of a servers on the network 30. The device also has the email capability. It is inherently understood that the information transmissions to the server include email transmissions, in which the server is an email server) for conveniently saving information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination wherein the instruction means sends the received data via a wireless path to an email address associated with the selected destination, as taught by Lee, in view of Zegelin, in order to store user information at a safe location for later use.

Regarding claims 2, Zegelin further teaches limitations of the claims in (FIG. 2, column 4, lines 36-45).

Regarding claims 3, Zegelin further teaches limitations of the claims in column 6, lines 33-40, (IEEE 802.11 is a wireless protocol which can be configured to connect to a desired server in a network)

Regarding claims 5, Lee further teaches limitations of the claims in column 12, line 39-49 (cellular phones are capable of transferring data in real time).

Regarding claims 6, Lee further teaches such limitations in FIG. 1, column 5, lines 47-62 and column 6, lines 42-51 (a host, over the internet, provides information to the multimedia device by transferring data over a wireless network)

Regarding claims 7, Lee further teaches limitations of the claim in column 6, lines 42-51 (digital audio is broadcasted in real time).

Regarding claims 8, Lee further teaches limitations of the claims in column 12, lines 39-49.

Regarding claims 9, Lee further teaches limitations of the claims in column 2, lines 17-35.

Regarding claims 10, Lee further teaches limitations of the claims in FIG. 2 (radio 100 built in multimedia player 160) and column 8, lines 28-53.

6. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin in view of Lee and Lewis et al. (U.S. Patent #: 5,294,792; hereinafter "Lewis").

Regarding claim 11, Zegelin teaches a system for managing data in a wireless device, comprising:

- a wireless module (FIG. 2, block 50).

- at least one source of data stored in a memory module of said wireless module (FIG. 2, block 62; column 6, lines 1-22).

- a configuration means coupled to the memory module (FIG. 2, CPU 64)

It should be noticed that Zegelin fails to clearly teaches the feature of  
at least one network router; and

configuration means transferring the stored data through a network router to a host device having an external memory location. However, Lee teaches such limitations of the claim in FIG. 3, network equipment 180 (network equipment 180, i.e. router, inherently routes information based on IP addresses; information transmitted by mobile 184 is inherently sent by equipment 180); column 6, lines 12-13; column 7, lines 38-43; column 11, lines 48- 53; column 12, lines 39-49; FIG. 1 and FIG. 2 (e.g. server 200 having external memory means 198) for conveniently saving information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of

at least one network router; and

configuration means transferring the stored data through a network router to a host device having an external memory location, as taught by Lee, in view of Zegelin, in order to store user information at a safe location for latter use.

It should be further noticed that, Zegelin and Lee, in combination, fails to teach the step of instruction means automatically transferring the stored data if a data amount in the memory module violates a threshold. However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when the memory is nearly full or full.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the step of instruction means automatically sending the received data if the first memory means exceeds a

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predetermined threshold, as taught by, Lewis, into view of Lee and Zegelin, in order to prevent data losses.

Regarding claim 12, Lee further teaches limitations of the claim in column 12, lines 23-38.

Regarding claim 13, Zegelin further teaches limitations of the claim in column 6, lines 15-21.

Regarding claim 14, Lee further teaches limitations of the claim in column 12, lines 50-58 and column 11, lines 48-54 (for a larger amount of data, the system has to select a communication method with a faster data rate, similarly, with larger amount of data, the network system will be smart enough to alert user if the storage is full so another location can be selected).

Regarding claim 15, Lee further teaches limitations of the claim in column 11, lines 48-54 (the network system always alerts the user if the destination is not available so that another location can be selected).

Regarding claim 16, Lee further teaches limitations of the claim in column 11, lines 48-54, column 12, lines 39-49.

Regarding claim 17, Zegelin further teaches limitations of the claim in column 6, lines 33-40 (IEEE 802.11 is bidirectional wireless protocol).

Regarding claim 18, Lee further teaches limitations of the claim in column 12, line 39-49 (as a cellular phone, the device is capable of transferring and receiving digital data in real time).



Regarding claim 19, Lee further teaches limitations of the claim in FIG. 3, column 11, lines 38-54 (server 200 having external memory means 198).

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Patent #: 6,788,332; hereinafter Cook) in view of Lewis.

Regarding claim 30, Cook teaches a digital camera system comprising (abstract and FIG. 1):

- a digital camera (FIG. 9, camera 902);

- a wireless transceiver coupled to the camera (FIG. 9, wireless interface 948);

- a memory for storing digital photographs from the camera (column 18, lines 31-38), data being sent using the wireless transmitter to a remote location via a network router (FIG. 3, column 10, lines 27-31; data being sent via router 306).

It should be noticed that, Cook fails to teach the feature of data being automatically sent from the memory to a remote location by means of the wireless transmitter when an amount of data stored in the memory reaches a threshold. However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when the memory is nearly full or full. The systems are designed for wireless portable devices having limited amounts of memory, therefore combinable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of data being automatically sent from the memory to a remote location by means of the wireless

transmitter when an amount of data stored in the memory reaches a threshold, as taught by, Lewis, in view of Bunte, in order to prevent data losses.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai N. Vu whose telephone number is 571-272-7928. The examiner can normally be reached on 9:00AM-7:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Thai N. Vu  
Examiner  
Art Unit 2687